



February 15, 2008

Mrs. Suzanne Sene
Office of International Affairs
National Telecommunications and Information Administration
1401 Constitution Avenue, N.W.
Room 4701
Washington, DC 20230

RE: Docket No. 071023616-7617-01

Dear Ms. Sene:

The Information Technology Association of America (ITAA) is pleased to submit comments to the U.S. Department of Commerce's National Telecommunications and Information Administration (NTIA) in response to its request for comments on "The Continued Transition of the Technical Coordination and Management of the Internet's Domain Name and Addressing System: Midterm Review of the Joint Project Agreement", reference Docket No. 071023616-7617-01.

About ITAA

ITAA is the premier IT industry association working to maintain America's role as the world's innovation headquarters. The Association provides leadership in business development, networking opportunities, and public policy advocacy to over 300 corporate members. Its members range from the smallest start-ups to industry leaders offering Internet, software, services and hardware solutions to the public and commercial sector markets. ITAA offers the industry's only grassroots-to-global network, carrying the voice of IT to companies, markets and governments at the local, state, national and international levels to facilitate growth and advocacy. The Association maintains a formal alliance with more than 40 regional groups in the U.S. and Canada, representing 16,000 technology-related companies through the Council of Regional Information Technology Associations. It also serves as secretariat for the World Information Technology and Services Alliance (WITSA), a network of 69 industry associations from around the world. For more information, visit www.ita.org.

Background on ITAA's Involvement in ICANN:

ITAA members have participated in and led many of the events and consultations with the private sector and governments that led to the creation of the Internet Corporation for Assigned Names and Numbers (ICANN) as the private sector-led initiative to coordinate and manage the Internet's domain name and addressing system. ITAA remains actively involved in ICANN

through ITAA's Global Public Policy Committee (GPPC), its membership in the ICANN Business Constituency, and its membership in WITSA to provide input into global public policy developments regarding the IT sector and the Internet.

ITAA's Perspective on ICANN:

ITAA's position on the future governance of the Internet's addressing system is based on an underlying principle of private sector leadership in the technical coordination and management of the unique indicators of the domain name system (DNS). As such, ITAA is committed to an ICANN that remains stable, reliable, globally acceptable, and private sector-led as the global Internet continues to evolve in its scope and scale. The Internet is growing, and the services it provides are expanding and evolving; ITAA's members both rely on the stable functioning of the unique indicators that ICANN coordinates and manages, and contribute themselves – both as suppliers and users – to the innovation, operational functioning, security, and stability of the global Internet.

ICANN was founded on the premise that it would provide the self governing mechanism for generic top level domains through contracting arrangements and coordinate the unique indicators of the Internet in collaboration with other distributed parties that operate and manage the country codes, root servers, and Internet registries suited to ensuring the stability of the DNS. ITAA remains committed to this discrete technically oriented mission for ICANN.

ITAA's comments herein reflect three key imperatives for ICANN as it evolves to private sector management, as follow:

- 1) establishing new mechanisms and continually improving existing ones in several core areas such as accountability and transparency and leveraging the multi-stakeholder model embodied in ICANN;
- 2) addressing the operational challenges, security concerns, and new requirements related to the introduction of internationalized domain names (IDNs) and new generic top level domains (gTLDs); and
- 3) working with the key stakeholder communities to develop and implement a transition plan toward a stable, private sector-led ICANN that is free from capture by other parties and retains broad-based, global support.

Importance of the Mid Term Review:

ITAA applauds the Mid-Term Review of the Joint Project Agreement (JPA) as an effective way for all parties to take stock of ICANN's progress toward becoming a more stable organization with greater transparency and accountability in its procedures and decision making, and in fulfilling the responsibilities in the JPA. We welcome ICANN's self assessment and the supporting materials provided to illustrate its accomplishments and new initiatives. We look forward to working with ICANN in its ongoing evolution in several key areas during the coming months, particularly those critical to its successful transition.

Principles for the future of ICANN:

We appreciate the opportunity to provide these comments on the following principles for ICANN at this important stage.

Security and Stability:

ITAA's members fully appreciate and are contributing to the changes in the Internet's structure, applications, and scope and scale through their technological innovations. As the Internet's user demographics and applications evolve and diversify, ITAA believes that ICANN must remain fully committed to its charter and the discrete technical mission related to the administration of the Internet's address system, core values, and bottom up, consensus based approach that were fundamental aspects in its creation. Only then can ICANN retain both its core competencies and legitimacy across the diverse stakeholder community and, thereby, avert major threats and challenges to its operations and organization.

In a specific example of maintaining security and stability, we highlight the management of top level domains (TLDs). In order to maintain the security and stability of the DNS, to contribute to the security and stability of the Internet, and to ensure its own organizational stability, ITAA believes that ICANN must continue to devote necessary resources and attention to (1) creating and testing its operational systems in a carefully managed way as it considers the introduction of international domain names (IDNs) and new generic top level domains (gTLDs) and (2) developing stable operational functions and systems to manage the anticipated influx of new and contested applications. In particular, issues regarding contested names that implicate brand names of corporations and country names are of concern due to the potential for serious and negative impact on ICANN and on Internet registrants. Any proposed process for introducing new gTLDs should address these issues and their potential for adverse impact.

In addition, we understand that the Generic Names Supporting Organization (GNSO) Council intends to initiate a policy development process (PDP) on the issue of domain name tasting. Policies that permit domain name tasting are of great concern, and potential solutions must be carefully considered to ensure that they effectively address the issue. We look forward to working with ICANN to find ways to reduce, and eventually eliminate, this practice.

ITAA encourages ICANN to ensure it has thoroughly documented and examined the processes, resources, and systems needed to address such challenges and to ensure that their impact on operational and organizational stability is carefully considered for forthcoming activities, and its community of stakeholders is fully engaged in that examination at an early stage.

Accountability and Transparency:

ICANN has devoted considerable resources to develop and improve the availability and accessibility of pertinent operational information and its decision making discussions. We applaud this progress and support the further planning in this area. For example, the publication of Board meeting agendas and minutes has significantly improved, and document translations are

helpful for the international community. We also hope that ICANN will utilize resources to develop materials that reflect increased transparency, such as consistently posting all documents with helpful summaries in a timely manner.

ITAA also looks forward to ICANN's enhancement of transparency efforts throughout all its structure, including the Board's subcommittees, Supporting Organizations (SOs) and Advisory Committees. The GNSO Council meetings, for example, present one such opportunity. If the vast majority of ICANN's current focus on consensus occurs in the GNSO, then greater transparency and improved practices and procedures there can be particularly useful. On a related note, we understand that ICANN is currently considering changes to the structure of the GNSO. As a critical SO, any changes in its structure should reinforce and enable the willingness and ability of the broader global business user community to participate meaningfully in ICANN, so as to maximize the success and credibility gained from multi-stakeholder participation.

Transparency and accountability principles are closely interrelated, as transparency can contribute to accountability. However, transparency itself is not a substitute for well documented and effective accountability mechanisms, which are still under development at ICANN. ITAA appreciates the comments that ICANN has made in the area of accountability options in its recently published document regarding dispute mechanisms. We will encourage our members to carefully consider the ideas presented and to contribute to the community discussion about what constitutes effective accountability mechanisms, such as those that could address ensuring legal certainty, providing independent and reasonable mechanisms for appealing Board decisions or staff actions, promoting the public trust, and increasing participation from business users, for example. We also want to emphasize the value of ICANN's adherence to its stated processes for improving accountability. We look forward to working with ICANN and its stakeholders to ensure effective and efficient accountability mechanisms work that contribute to trust and credibility.

Leveraging the Multi-stakeholder Model:

ICANN benefits from the participation of its wide base of interested parties, including the technical community, civil society, contracted parties, business users, individual registrants, non-governmental organizations (NGOs), intergovernmental organizations (IGOs) and individual governments. At this point, we recommend ICANN focus on how it interacts with the business community; given the ITAA membership, we look forward to working with ICANN to enhance that interaction, which can be done in a variety of ways, including working with the relevant GNSO constituencies on outreach and participation initiatives that focus on encouraging informed, responsible participation in ICANN overall.

ITAA believes that including and expanding outreach to the Internet's business users and infrastructure providers and working with those communities to create effective participation opportunities will contribute to enhancing the security and stability of the DNS and the Internet, as well as the stability of the organization itself.

Role of Governments, International Bodies and International Organizations:

ITAA sees the increased awareness and acceptance of ICANN broadly in the international community as a positive outcome that has been built on the good will, hard work, and collaboration of its wide base of stakeholders themselves supported by ICANN staff and the Board. Governments and the community of international and multi-lateral organizations are key stakeholders in the stable and secure functioning of the Internet DNS, and the support, advice, and contribution of governments through the Governmental Advisory Committee (GAC) remains a key aspect of ICANN's stability and credibility.

ITAA is pleased with the growing participation of governments in the GAC. As ICANN evolves, it is increasingly important that there be adequate opportunities for the GAC and Supporting Organizations to examine and discuss issues that ICANN is facing and provide appropriate input.

Looking Ahead

Once again, ITAA appreciates ICANN's comprehensive report and current status description in its submission to the NOI. It reflects years of hard work and introduces new programs or initiatives to further fulfill its responsibilities. ITAA looks forward to seeing the progress of those initiatives and considering their success in the context of ICANN's overall activities.

ITAA recommends that the Department of Commerce and ICANN, in consultation with the stakeholder community begin a more formal dialogue on the next phase of ICANN's evolution toward increased independence in private sector management. In preparation for the next step, we understand that the ICANN President's Strategy Committee (PSC) already plans to provide a draft strategy to the ICANN community by June 2008. We look forward to the opportunity to review and comment on the draft.

The key principles articulated herein are the tenets upon which to build and strengthen the organization and its operations. In addition, ITAA believes that such a transition to private sector management include, among others to be articulated, the following considerations in the development of a framework for the future:

- The long term vision for ICANN;
- Elements required for continued trust and confidence in the future of ICANN, including but not limited to a sustainable and acceptable governance structure, financial stability, and the respective role(s) of stakeholders;
- Elements required for ensuring continuing security and stability of the DNS and the organization; and
- Preservation of ICANN as a private sector-led organization;

ITAA stands ready to help, as we believe that strong and ongoing participation by the global business community is an essential element to ensuring ICANN's success and legitimacy.

Conclusion

An ICANN that is private sector led and based on bottom-up participation, collaboration, and cooperation with other global stakeholders that draws on the advice of governments through their role in the Government Advisory Committee (GAC) continues to be the best model for ICANN as it transitions to more independent private sector coordination and management of the DNS and unique indicators of the Internet. We believe that notable growth has taken place since ITAA and many of its members helped to found newco, now known as ICANN. The improvements, evolution, and strengthening of ICANN we have seen are the result of hard work by the ICANN community, supported by the ICANN Board and ICANN staff as well as the support of the U.S. Government through the JPA. Together, they have provided a critical platform upon which to build a stable and accountable ICANN.

An ICANN that is a trusted, transparent, and accountable party responsible for the technical management and coordination of the unique indicators of the Internet remains a high priority for ITAA. We support ICANN's continuing technical mission and core values, and we are fully committed to continuing the private sector leadership embodied in the White Paper that led to ICANN's creation. ITAA supports the importance of the Mid-Term Review of the Joint Project Agreement and respectfully offers its participation and support as the U.S. Department of Commerce and ICANN continue to work together and with the broader group of Internet stakeholders in ICANN's evolution.

Please do not hesitate to contact us with any questions or comments regarding our input to this proceeding and as the process continues.

Sincerely,

A handwritten signature in black ink, appearing to read "Phillip J. Bond". The signature is fluid and cursive, with a large initial "P" and "B".

Phillip J. Bond
President and CEO